

Public Health: House Bill No. 451, Senate Bill No. 116.

Municipal and Private Corporations: House Bill No. 482.

State Affairs: House Concurrent Resolution No. 5 and House Bill No. 401.

The following committee has filed adverse reports on bills, as follows:

Judiciary: House Bills Nos. 137, 143, 174, 179, 216, 258, 402, and 474.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 16, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 23, Relative to the discontinuation of certain air mail line,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

TWENTY-THIRD DAY

(Friday, February 17, 1933)

The House met at 6 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Fain.
Adamson.	Few.
Aikin.	Fuchs.
Alexander.	Golson.
Alsup.	Good.
Anderson	Goodman.
of Bexar.	Greathouse.
Anderson	Griffith.
of Johnson.	Haag.
Barrett.	Hankamer.
Bourne.	Hartzog.
Butler.	Head.
Camp.	Hicks.
Canon.	Hill of Brazoria.
Clayton.	Holekamp.
Colson.	Holland.
Coombes.	Huddleston.
Cowley.	Hughes.
Crossley.	Hunt.
Davidson.	Hyder.
Dean.	James.
Devall.	Johnson
Dunagan.	of Dimmit.
Duvall.	Jones of Atascosa.

Jones of Runnels.	Riddle.
Jones of Shelby.	Rogers of Hunt.
Kyle of Hays.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Latham.	Russell.
Lotief.	Scarborough.
Mackay.	Scott.
McClain.	Stanfield.
McKee.	Steward.
Mitcham.	Stinson.
Moffett.	Stovall.
Morrison.	Tarwater.
Morse.	Tillery.
Munson.	Townsend.
Parkhouse.	Vaughan.
Pavlica.	Walker.
Ratliff.	Wells.
Ray.	Young.
Reed of Dallas.	

Absent

Baker.	Leonard.
Barron.	Lindsey.
Beck.	Long.
Bedford.	Magee.
Bradley.	Mathis.
Burns.	McGregor.
Calvert.	Merritt.
Cathey.	Metcalfe.
Caven.	Moore.
Chastain.	Nicholson.
Daniel.	Palmer.
Dunlap.	Patterson.
Dwyer.	Pope.
Engelhard.	Ramsey.
Fisher.	Reader.
Ford.	Reed of Bowie.
Glass.	Renfro.
Graves.	Rollins.
Harman.	Ross.
Harris.	Savage.
Harrison.	Shannon.
Hester.	Shults.
Hill of Webb.	Smith.
Hodges.	Sullivan.
Holloway.	Tennyson.
Hoskins.	Thomas.
Jackson.	Turlington.
Jefferson.	Van Zandt.
Johnson	Wagstaff.
of Anderson.	Weinert.
Kayton.	West.
Laird.	Winningham.
Lemens.	Wood.

Absent—Excused

McCullough.	Puryear.
McDougald.	Roberts.

The Speaker announced that there was not a quorum present.

Mr. Anderson of Bexar and Mr. Holland moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Anderson of Bexar, the Sergeant-at-Arms was instructed to bring in all Members within the city who are not ill.

(Pending the securing of a quorum, Mr. Anderson of Bexar occupied the Chair temporarily.)

(Speaker in the Chair.)

While the House was awaiting the development of a quorum, the following Members came in, and were marked present:

Baker.	Lemens.
Barron.	Leonard.
Beck.	Lindsey.
Bedford.	Long.
Bradley.	Magee.
Burns.	Mathis.
Calvert.	McGregor.
Cathey.	Metcalf.
Chastain.	Moore.
Daniel.	Nicholson.
Dunlap.	Patterson.
Dwyer.	Pope.
Engelhard.	Ramsey.
Fisher.	Reader.
Ford.	Reed of Bowie.
Glass.	Renfro.
Graves.	Rollins.
Harman.	Ross.
Harris.	Shannon.
Harrison.	Shults.
Hester.	Smith.
Hill of Webb.	Sullivant.
Hodges.	Tennyson.
Holloway.	Thomas.
Hoskins.	Turlington.
Jackson.	Van Zandt.
Jefferson.	Wagstaff.
Jones of Shelby.	Weinert.
Kayton.	Winningham.
Laird.	Wood.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Mathis for today, on motion of Mr. Hill of Webb.

Mr. Caven for today, on motion of Mr. Morrison.

The following Members were granted leaves of absence on account of illness:

Mr. Palmer for today, on motion of Mr. Townsend.

Mr. Puryear for today, on motion of Mr. Few.

Mr. Roberts for today, on motion of Mr. Scarborough.

Mr. Savage for today, on account of the illness of his mother, on motion of Mr. Stinson.

Mr. McCullough for today, on motion of Mr. Hyder.

Mr. Merritt for today, on motion of Mr. Jackson.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Holland and Mr. Bradley:

H. B. No. 510, A bill to be entitled "An Act to amend Article 536 of the Penal Code of the State of Texas to provide that same shall not apply to self-help or credit scrip or other certificates of barter issued during the years 1933, 1934, and 1935, by any incorporated city, town, or village, or by any organized Chamber of Commerce, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Wells and Mr. Metcalfe:

H. B. No. 511, A bill to be entitled "An Act to amend Acts, 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 3, relating to registration of motor vehicles so as to require a certificate of rendition of such vehicles for State, county and city taxes; and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Stanfield, Mr. Rogers of Ochiltree, and Mr. Tarwater:

H. B. No. 512, A bill to be entitled "An Act to amend Articles 1499, 1500, 1501, 1502, and 1504, of the Revised Civil Statutes of Texas of 1925,

relating to the powers of a corporation engaged in the oil and gas producing business by providing that a separate corporation shall be formed to conduct the gas pipe line business in a similar manner as required for the oil pipe line business; providing that separate incorporation shall be affected not later than June 1, 1933, for issuance of permits to foreign corporations authorizing conduct of oil and gas producing business as well as gas pipe line business; providing that if any portion of this Act be unconstitutional, the remainder shall be valid; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Coombes:

H. B. No. 513, A bill to be entitled "An Act repealing Article 5765 to Article 5891, inclusive, same being the Military Laws of Texas regarding the Militia; and redrafting the laws dealing with the same, changing the name to the Texas National Guard, and providing for an unorganized Militia, in conformity with the Federal laws; providing for the organization, personnel, compensation, commissions, powers of the Governor and officers; prescribing certain exemptions, rights, and duties of officers and enlisted men, Adjutant General, Sheriff, etc., providing for co-ordination with the Federal Government; for court martials, examinations, appointments, and retirement; and for drafting into service in time of emergency of war; and declaring an emergency."

Referred to Committee on Military Affairs.

By Mr. Fuchs:

H. B. No. 514, A bill to be entitled "An Act to fix an open season, or period of time for hunting, taking, or killing wild mourning doves, wild quail of all kinds, and wild Mexican pheasants in Washington County; making it unlawful to hunt, take, or kill same at any other time of the year; fixing a penalty for violation of the provisions of the Act; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Turlington:

H. B. No. 515, A bill to be entitled "An Act to amend Article 2350 of the Revised Civil Statutes of Texas, of 1925, relating to annual salaries of county commissioners by providing that in all counties having a population of less than 32,500, according to the 1930 United States Census, and in which counties the assessed value of the property of such counties is \$82,000,000, or more, according to the 1932 assessment roll, shall receive a salary not exceeding \$3,300 per annum and in addition thereto may receive a sum of \$600 per annum for expenses of an automobile, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Lemens, Mr. Van Zandt, and Mr. Jones of Atascosa:

H. B. No. 516, A bill to be entitled "An Act amending Section 5, of Article 1029, of the Texas Code of Criminal Procedure, relating to fees of sheriff or constable; and declaring an emergency."

Referred to Committee on Counties.

By Mr. Lemens, Mr. Van Zandt, and Mr. Jones of Atascosa:

H. B. No. 517, A bill to be entitled "An Act relating to fees of sheriff or constable; amending Article 1030, Section 1, Texas Code of Criminal Procedure."

Referred to Committee on Counties.

By Mr. McGregor, Mr. Mathis, Mr. Moore, Mr. Morse, and Mr. Bradley:

H. B. No. 518, A bill to be entitled "An Act defining 'daily newspaper' or 'newspaper,' 'consecutive days' or 'successive days,' and words of similar meaning, within the meaning of any law, city charter, or ordinance, or any Act of the Legislature, creating any independent school district or any municipal corporation, requiring notice to be given of any act or proceeding, whether public or private, or relating to judicial, executive, or legislative matters, by publication in a daily newspaper, or by publication in a newspaper for a certain number of consecutive or successive days, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Holland:

H. B. No. 519, A bill to be entitled "An Act to provide and establish the two-platoon system for firemen in all cities of 50,000 inhabitants, or more, in this State, according to the last preceding Federal Census, and providing the number of hours such firemen shall be on duty; and providing a penalty for the violation of same, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Sullivant:

H. B. No. 520, A bill to be entitled "An Act to amend Article 3942, Revised Civil Statutes of 1925, so as to give the commissioners court more authority in regulating the commissions to be received by the county treasurer, in the receiving and disbursing of the available free public school fund, and also of the permanent county school fund, for their respective counties; etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. McClain, Mr. Laird, Mr. Burns, Mr. Mitcham, and Mr. Dungan:

H. B. No. 521, A bill to be entitled "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new article, to be known as Article 6711-a, providing that upon application of ten or more resident citizens of any county, or one person living within an enclosure of two thousand (2,000) acres or more, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays; providing for notice and hearing on said applications; providing for damages to landowners, where roads are opened; providing that the commissioners court shall not be required to keep such roads worked; etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hartzog:

H. B. No. 522, A bill to be entitled "An Act amending Article 4616, 1925 Revised Civil Statutes of the State of

Texas, relating to the protection of the wife's separate property, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Hartzog:

H. B. No. 523, A bill to be entitled "An Act amending Article 988, of the 1925 Revised Civil Statutes of Texas, relating to compensation of councilmen, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Young:

H. B. No. 524, A bill to be entitled "An Act to repeal Chapter 122, of the Special Laws of the Thirty-ninth Legislature, Regular Session, 1925, known as House Bill No. 658, relating to a special road law for DeWitt County, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Reed of Bowie:

H. B. No. 525, A bill to be entitled "An Act to amend Acts of 1932, Forty-second Legislature, Third Called Session, page 15, Chapter 13, Section 6, relating to the allocation of funds from the gasoline tax, so as to make such funds payable one-fourth ($\frac{1}{4}$) to the County and Road District Highway Fund; one-fourth ($\frac{1}{4}$) to the State Highway Fund; one-fourth ($\frac{1}{4}$) to the Available Public School Fund, and one-fourth ($\frac{1}{4}$) to the General Fund; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Morrison:

H. B. No. 526, A bill to be entitled "An Act to amend Acts of 1932, Forty-second Legislature, Third Called Session, page 15, Chapter 13, Section 6, relating to the allocation of funds from the gasoline tax so as to increase the amount allotted to the Available Free School Fund; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Stinson, Mr. Barron, Mr. Weinert, Mrs. Hughes, and Mr. Moffett:

H. B. No. 527, A bill to be entitled "An Act amending Chapter 5, of Title 122, of the Revised Civil Statutes of 1925, by adding Chapter 5-a to said Title, and providing for an additional

inheritance tax to be levied on every taxable estate equal to the difference between the tax due this State and eighty (80) per cent of the total sum due the United States Government under the Revenue Act of 1926; providing that said tax should be a lien upon the entire estate of deceased, but may be apportioned and collected on each share; providing that no tax is due if eighty (80) per cent of Federal estate tax under Revenue Act of 1926 is equal to or more than tax due the State; providing that where no tax is due the State and a tax is due the Federal Government that a tax equal to eighty (80) per cent of tax due the Federal Government be assessed, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Pope:

H. J. R. No. 23, Proposing amendments to the Constitution of the State of Texas, so as to repeal all provisions of the Constitution levying, authorizing the levy of, or permitting the levying of, an ad valorem tax on property, located within the State of Texas, and directing the Legislature to enact laws to raise sufficient revenue for the economical administration of government, including the subdivisions of the State, from taxes other than ad valorem tax on property; proposing to amend Section 51, Article III, of said Constitution, by eliminating the ad valorem tax on property for the payment of pensions, and authorizing a substitute tax therefor, other than an ad valorem tax on property; etc., and providing the necessary proclamation and appropriation to defray the expenses of the proclamation, publication, and election.

Referred to Committee on Constitutional Amendments.

MOTION TO RE-REFER HOUSE BILL NO. 525

Mr. Reed of Bowie moved that House Bill No. 525 be withdrawn

from the Committee on Revenue and Taxation and referred to the Committee on Highways and Motor Traffic.

The motion was lost.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 235, "An Act to repeal Chapter 108, Special Laws, Acts of the Forty-second Legislature, Regular Session, page 218, and declaring an emergency." (Relating to special road tax for Burleson County.)

H. B. No. 219, "An Act repealing Chapter 73, of the General and Special Laws of Texas, as passed by the Regular Session of the Forty-first Legislature, 1929, the same being House Bill No. 523, which provides for a road tax against male persons of certain ages in Childress County, and declaring an emergency."

H. B. No. 186, "An Act to prohibit the hunting, trapping, ensnaring, or killing, of any wild deer, buck, doe, or fawn within the limits of the Counties of San Augustine and Sabine, State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

H. B. No. 66, "An Act providing for a closed season in Glasscock County, upon quail, doves, and pheasants, for a period of three (3) years; and declaring an emergency."

H. B. No. 115, "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 7,100 and not more than 7,200 population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 140, "An Act repealing Chapter 50, of the Special Laws of Texas, of the Regular Session of the

Forty-second Legislature of the State of Texas, known as House Bill No. 712, providing for a special road law in Lavaca County, Texas, and declaring an emergency."

H. B. No. 106, "An Act to amend Senate Bill No. 8, Acts, First Called Session, Forty-second Legislature, by providing that trot lines may be used in Val Verde County, and declaring an emergency."

H. B. No. 185, "An Act providing for the open season on squirrels in San Augustine and Sabine Counties; providing a penalty; and declaring an emergency."

S. B. No. 166, "An Act amending Article 6562, Chapter 1, Title 113, of the Revised Statutes of the State of Texas, of 1925, reducing the pay of the officers and men of the State Ranger Force, and eliminating longevity pay, and declaring an emergency."

S. C. R. No. 16, Providing for the appointment of a committee to confer with the Reconstruction Finance Corporation in regard to the unemployment situation.

H. B. No. 293, "An Act providing that it shall be unlawful to use a seine or net in the waters of the Counties of Morris or Titus, except a minnow seine, and except a seine or net of not less than two-inch mesh, which may be used at any time except during the months of March and April; and providing that black bass and crappie of certain sizes shall not be retained; providing a penalty, and declaring an emergency."

H. B. No. 69, "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of five (5) years in the Counties of Freestone and Leon, in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said counties, for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

H. B. No. 27, "An Act to prohibit the hunting, trapping, ensnaring, killing, or possessing of any wild quail of any species within the limits of Commissioners Precinct No. 2, of

the County of Karnes, State of Texas, for a period of five years from and after the passage of this Act; providing a penalty therefor, and declaring an emergency."

H. B. No. 177, "An Act regulating the use of seines and nets in Nacogdoches County; providing that three-inch mesh seines and nets may be used during certain months; providing a penalty for violations of this Act, and declaring an emergency."

H. B. No. 80, "An Act to amend Section 28, as heretofore amended by Chapter 5, page 14, of the Special Laws of the Regular Session of the Forty-second Legislature; of Chapter 36, page 359, of the Acts of the Thirty-first Legislature, approved March 15, 1909, entitled 'An Act to validate the Wichita Falls Independent School District, in Wichita County, Texas,' (and for other purposes), etc., and declaring an emergency."

TO GRANT J. F. CAGE AND T. C. CAGE PERMISSION TO SUE THE STATE

Mr. Pope offered the following resolution:

H. C. R. No. 25, To grant J. F. Cage permission to sue the State.

Granting permission to Cage Bros., a firm composed of J. F. Cage and T. C. Cage, or its assigns, to bring suit against the State Highway Department of Texas and the State of Texas to ascertain the amount, if any, due it as balance unpaid in connection with the contract of improvements on Highway No. 9, job No. 149-a, S. P. No. 886-b, Live Oak County, Texas;

Whereas, On or about May 23, 1930, the State Highway Commission of Texas made and entered into a contract with Cage Brothers, a firm composed of J. F. Cage and T. C. Cage, for the improvement of the road and bridges and construction thereof on Highway No. 9, job No. 149-a, in Live Oak County, Texas, as per plans designated as 886-b; and

Whereas, By virtue of said contract, plans, and specifications and the requirements of said Highway Commission of Texas and the State of Texas, and its agents and employes, controversy has arisen concerning the balance due said Cage Brothers under said contract, plans, and specifica-

tions and requirements, and the said Cage Brothers desire that said controversy be submitted to a court for judicial ascertainment of the balance due said firm, if any, and to have the amount fixed, if any. Now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said Cage Brothers, a firm composed of J. F. Cage and T. C. Cage, or its assigns, be, and it is hereby, authorized to sue the State Highway Department of Texas and the State of Texas, for such amount as said firm of Cage Brothers may be entitled to recover under and by virtue of said contract, plans, and specifications and requirements of said Highway Commission of the State of Texas, and its agents and employes.

That any party to said suit shall have the right to appeal, and any judgment finally established against the State and the State Highway Commission of Texas shall be a liquidated debt, which shall be paid by the Highway Commission of the State of Texas out of the Highway Building Funds of the State of Texas. Such suit to be filed in any court of the State of Texas of competent jurisdiction.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

TO GRANT WILLIAM HEUERMANN AND J. A. MILLER PERMISSION TO SUE THE STATE

Mr. Pope offered the following resolution:

H. C. R. No. 26, To grant William Heuermann and J. A. Miller permission to sue the State.

Granting permission to Heuermann and Miller, a firm composed of William Heuermann and J. A. Miller, or its assigns, to bring suit against the State Highway Department of Texas and the State of Texas to ascertain the amount, if any, due it as balance unpaid in connection with the contract of improvements on Highway No. —, job No. 126-F, S. P. No. 931-F, Jim Wells County, Texas:

Whereas, The State Highway Commission of Texas made and entered into a contract with Heuermann and Miller, a firm composed of William

Heuermann and J. A. Miller, for the improvement of the road and bridges and construction thereof on Highway No.—, job No. 126-F, in Jim Wells County, Texas, as per plans designated S. P. No. 931-F; and

Whereas, By virtue of said contract, plans and specifications and the requirements of said Highway Commission of Texas and the State of Texas and its agents and employes, controversy has arisen concerning the balance due said Heuermann and Miller under said contract, plans and specifications and requirements, and the said Heuermann and Miller desires that said controversy be submitted to a court for judicial ascertainment of the balance due said firm, if any, and to have the amount fixed, if any; now, therefore be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said Heuermann and Miller, a firm composed of William Heuermann and J. A. Miller, or its assigns, be, and it is hereby, authorized to sue the State Highway Department of Texas and the State of Texas for such amount as said firm of Heuermann and Miller may be entitled to recover under and by virtue of said contract, plans, and specifications and requirements of said Highway Commission of the State of Texas, and its agents, and employes.

That any party to said suit shall have right to appeal, and any judgment finally established against the State and the State Highway Commission of Texas shall be a liquidated debt which shall be paid by the Highway Commission of the State of Texas out of the Highway Building Funds of the State of Texas. Such suit to be filed in any court of the State of Texas of competent jurisdiction.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

RELATIVE TO COMPENSATION FOR ALLEGED DAMAGE DONE BY HIGHWAY DEPARTMENT

Mr. Greathouse offered the following resolution:

H. C. R. No. 27, Relative to compensation for alleged damage done by the Highway Department.

Whereas, On or about September 14, 1932, W. E. Pope, of Corpus

Christi, Texas, while on his way from Big Spring to San Antonio, was required, by an employe of the State Highway Department of Texas, to drive his automobile from the regular traveled highway into a wet and unused ditch and bushway, and said automobile burned out, and was greatly injured;

Whereas, Said W. E. Pope has never been compensated by the State for the damages done said car, and the representatives of the Highway Department have declined to make investigation or to settle any damage for which the State may be liable; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the State Highway Commission of Texas have authority to make such settlement as the facts warrant, or in the alternative, the said W. E. Pope be, and he is hereby, authorized to sue the said Highway Department and the State of Texas, for such amount as he may be, by law, entitled to recover.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

PROVIDING FOR A COMMITTEE TO ATTEND THE FUNERAL OF JUDGE WALTER ACKER

Mr. Morse offered the following resolution:

Whereas, The House has learned with deep regret of the death, in the City of Austin, in his eighty-ninth year, of the Hon. Walter Acker, Sr., who served with ability and fidelity to the people as a Member of this House in the Eighteenth, Thirty-ninth, Fortieth, and Forty-first Legislatures, he being the last surviving Confederate Veteran to serve in the Legislature of the State of Texas; and

Whereas, The earthly remains of this distinguished statesman are to be shipped to Lampasas, Texas, for burial; now, therefore, be it

Resolved, That the Speaker of the House appoint three Members of the House to serve as an escort and honor guard at the funeral of the deceased; be it further

Resolved, That the expenses of said escort be paid out of the Contingent Expense Fund of the House.

Signed—Morse, Stevenson, Dunlap, Anderson of Bexar, Johnson of Anderson, Duvall, Dean, Moore, Holland, Mathis, Bradley, Metcalfe.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Morse, Dean, and Dunlap.

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 98

Mr. Metcalfe offered the following resolution:

H. C. R. No. 28, Authorizing certain corrections in House Bill No. 98.

Be it resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be directed to make the following corrections in House Bill No. 98:

After the word "use" in line 15, page 2, Section 1, insert the following: "the minnow seine herein permitted for the purpose of taking;" and after the word "creeks" in line 26, page 2, insert the following: "lakes, bayous, rivers, pools, or lagoons, or tanks, in the counties."

The resolution was read second time, and was adopted.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 222

Mr. Wells offered the following resolution:

H. C. R. No. 29, Authorizing certain correction in House Bill No. 222.

Be it resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be directed to correct the emergency clause, Section 3, of House Bill No. 222, by adding Brown and Coleman to the counties named therein.

The resolution was read second time, and was adopted.

TO PROVIDE FOR AN ATTORNEY TO DRAFT BILLS

Mr. Butler offered the following resolution:

Whereas, There are many requests for bills in the office of the legal advisor; and

Whereas, By virtue of the resolution, the office expires on Friday, February 17, 1933; and

Whereas, There have been two attorneys retained by the House of Representatives for the past thirty days; and

Whereas, There are still eleven days for the introduction of bills of a general nature; and

Whereas, There are ninety-three days for the introduction of local bills left in the term of the Legislature; now, therefore, be it

Resolved by the House of Representatives, That one attorney be retained to draft bills for the Members for such period of time as the Speaker may see fit.

BUTLER,
TURLINGTON,
YOUNG.

The resolution was read second time.

Mr. Metcalfe offered the following amendment to the resolution:

Amend resolution to limit the time of the employment to the first forty-five days of the session.

(Mrs. Hughes in the Chair.)

Mr. Canon moved that the amendment and the resolution be tabled, and the motion was lost.

Question next recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—82

Aikin.	Davidson.
Alexander.	Fain.
Alsup.	Few.
Anderson	Glass.
of Bexar.	Golson.
Anderson	Good.
of Johnson.	Goodman.
Barrett.	Greathouse.
Barron.	Haag.
Beck.	Harman.
Bourne.	Harris.
Burns.	Hartzog.
Butler.	Head.
Calvert.	Hill of Webb.
Camp.	Hodges.
Cathey.	Holland.
Clayton.	Hoskins.
Colson.	Hughes.
Coombes.	Hunt.
Cowley.	Hyder.
Daniel.	James.

Jefferson.	Ramsey.
Johnson	Reed of Bowie.
of Anderson.	Reed of Dallas.
Jones of Atascosa.	Rogers of Hunt.
Jones of Runnels.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Laird.	Rollins.
Lemens.	Ross.
Leonard.	Scarborough.
Lindsey.	Scott.
Lotief.	Shannon.
Magee.	Steward.
Mackay.	Stinson.
McKee.	Sullivant.
Metcalfe.	Tarwater.
Mitcham.	Thomas.
Moffett.	Townsend.
Morrison.	Vaughan.
Morse.	Wagstaff.
Munson.	Walker.
Parkhouse.	Wells.
Pavlica.	Wood.

Nays—16

Adamson.	Kyle of Hays.
Baker.	McClain.
Canon.	Moore.
Dean.	Nicholson.
Hankamer.	Shults.
Hicks.	Stanfield.
Huddleston.	Tillery.
Jackson.	Winningham.

Present—Not Voting

Mr. Speaker.	Tennyson.
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Absent

Bedford.	Jones of Shelby.
Bradley.	Kayton.
Chastain.	Latham.
Crossley.	Long.
Devall.	McGregor.
Dunlap.	Patterson.
Dunagan.	Pope.
Duval.	Ratliff.
Dwyer.	Ray.
Engelhard.	Reader.
Fisher.	Renfro.
Ford.	Riddle.
Fuchs.	Russell.
Graves.	Smith.
Griffith.	Stovall.
Harrison.	Turlington.
Hester.	Van Zandt.
Hill of Brazoria.	Weinert.
Holekamp.	West.
Holloway.	Young.

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Puryear.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	

Question then recurring on the resolution as amended, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—58

Alexander.	Hunt.
Anderson	Hyder.
of Bexar.	James.
Anderson	Jefferson.
of Johnson.	Jones of Atascosa.
Barrett.	Jones of Runnels.
Beck.	Lemens.
Burns.	Leonard.
Butler.	Lindsey.
Cathey.	Lotief.
Clayton.	Magee.
Colson.	Metcalfe.
Coombes.	Mitcham.
Daniel.	Moffett.
Davidson.	Moore.
Engelhard.	Morrison.
Fain.	Morse.
Few.	Pope.
Glass.	Ramsey.
Golson.	Reed of Bowie.
Goodman.	Reed of Dallas.
Greathouse.	Rogers
Harman.	of Ochiltree.
Harris.	Rollins.
Head.	Shannon.
Hill of Webb.	Sullivant.
Hodges.	Tarwater.
Holekamp.	Tillery.
Holland.	Townsend.
Hoskins.	Walker.
Hughes.	

Nays—40

Adamson.	McClain.
Aikin.	McKee.
Alsup.	Munson.
Baker.	Nicholson.
Barron.	Parkhouse.
Bourne.	Pavlica.
Calvert.	Rogers of Hunt.
Camp.	Ross.
Canon.	Scarborough.
Cowley.	Scott.
Dean.	Shults.
Good.	Stanfield.
Haag.	Steward.
Hankamer.	Stinson.
Hartzog.	Thomas.
Hicks.	Vaughan.
Huddleston.	Wagstaff.
Kyle of Hays.	Wells.
Kyle of Palo Pinto.	Winningham.
Mackay.	Wood.

Present—Not Voting

Jackson.	Johnson
	of Anderson.

Absent

Bedford.	Laird.
Bradley.	Latham.
Chastain.	Long.
Crossley.	McGregor.
Devall.	Patterson.
Dunlap.	Ratliff.
Dunagan.	Ray.
Duvall.	Reader.
Dwyer.	Renfro.
Fisher.	Riddle.
Ford.	Russell.
Fuchs.	Smith.
Graves.	Stovall.
Griffith.	Tennyson.
Harrison.	Turlington.
Hester.	Van Zandt.
Hill of Brazoria.	Weinert.
Holloway.	West.
Jones of Shelby.	Young.
Kayton.	

Absent—Excused

Caven.	Merritt.
Johnson of Dimmit.	Palmer.
Mathis.	Puryear.
McCullough.	Roberts.
McDougald.	Savage.

TO GRANT HUGH EVERETT CARR PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 15, To grant Hugh Everett Carr permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the passage of the resolution.

Mr. Jones of Atascosa offered the following committee amendments to the resolution:

(1)

Add at the end of page 1 the following: "and provided that any judgment recovered thereon shall be paid out of the funds of the Game, Fish, and Oyster Commission."

ENGELHARD.

(2)

Amend House Concurrent Resolution No. 15 by adding in line six (6) of last paragraph on page one (1) after the word "jurisdiction," "in Travis County."

McGREGOR,
ENGELHARD.

The amendments were severally adopted.

The resolution as amended, was then adopted.

HOUSE BILL NO. 211 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 211, A bill to be entitled "An Act amending Chapter 91, Acts First Called Session, Fortieth Legislature, as amended by Chapter 77, Acts First Called Session, Forty-first Legislature, as amended by Chapter 164, Acts Regular Session, Forty-second Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 236 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 236, A bill to be entitled "An Act to amend Section 1, Chapter 90, House Bill No. 610, Special Laws of the Forty-second Legislature, and declaring an emergency." (Relating to protection of fish in Bosque County.)

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 327 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 327, A bill to be entitled "An Act amending Chapter 69, of the Acts of the Forty-second Legislature, Regular Session, providing for the taking of catfish, perch, buffalo, and drum, in the waters of Delta, Hopkins, or Franklin Counties, by hand, or with a seine having meshes one inch square, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 399 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 399, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Nacogdoches County, during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

The bill was read second time.

Mr. Laird offered the following amendment to the bill:

Amend House Bill No. 399, by adding "Angelina County," and amend caption to conform to all changes in bill.

The amendment was adopted.

House Bill No. 399 was then passed to engrossment.

HOUSE BILL NO. 505 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 505, A bill to be entitled "An Act amending Section 1, Chapter 213, Acts of the Regular Session, Forty-second Legislature, and declaring an emergency." (Relating to compensation of county commissioner.)

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 441 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 441, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Cherokee County, except the seine or net of not less than three-inch square mesh, except during certain months, and excepting a minnow seine from the provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Glass offered the following amendment to the bill:

Amend caption of House Bill No. 441 so as to read as follows:

"H. B. No. 441,

A BILL

To Be Entitled

An Act to prohibit the use of a seine or net for taking fish in Cherokee County, except the seine or net of not less than three-inch square mesh, during certain months; excepting a minnow seine from the provisions of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The amendment was adopted.

House Bill No. 441 was then passed to engrossment.

HOUSE BILL NO. 362 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 362, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Lamar County, except a seine or net of not less than two-inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 11 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act authorizing the payment to the head of any Department of the State Government, of occupation, gross receipts, franchise, license, or other privilege taxes or fees, under protest upon the supposed ground of invalidity of the tax or lack of power to collect the same, etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 21 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act authorizing the establishment of liens on mausoleums, monuments, and markers, wherever erect-

ed; providing procedure, and declaring an emergency."

The bill was read second time.

Mr. Daniel offered the following committee amendment to the bill:

Amend House Bill No. 21 by striking out all below the enacting clause, and insert in lieu thereof the following:

"Section 1. All persons manufacturing and/or selling a mausoleum and/or monument, may reserve a lien for the manufacturing cost and/or selling price thereof, by receiving a written contract from the party having ordered and/or purchased such property, prior to its delivery, setting out the reservation of title, the terms of sale, together with such a description and proposed location of the property as will reasonably identify such property. And in case of such a contract, and so long as such purchase price or manufacturing cost has not been paid, such purchase money lien and reservation of title upon such property, shall entitle the owner of such lien to the right to repossess and remove such property from wherever the same may have been erected, no matter how it may have become attached to the ground upon which, or into which, such property may have been placed. Such right of repossession and/or sale shall only be exercised in accordance with the terms of the written agreement and the laws of this State governing securing of possession of personal property. Provided, however, that a suit upon the debt due for such property shall automatically extinguish the lien, and conversely, the repossession of the property, under the terms of the contract, and this law, shall automatically cancel the debt. Such lien agreement shall not be placed of record.

"Sec. 2 Before such lien holder is authorized to repossess such property, or any part thereof, either under the terms of a contract, or to bring a suit for the possession of same, he shall give thirty days' notice to the person purchasing such property, by mailing a copy of such notice, declaring such intention to the party owing the debt, by registered mail, addressed to his last known post-office address. And immediately after repossession and removing such mausoleum and/or monument, it shall become the duty of the lien holder to rebuild and reshape the ground from which such

property was removed, so as to place the same in, as near as reasonably possible, the same condition as it was at the time preceding the erection of such mausoleum and/or monument. In case the grounds, from which such property is removed, is in charge of a caretaker, the restoring of the place where such property stood, shall be done under such caretaker's directions.

"Sec. 3. In cases where a mausoleum, to be repossessed or foreclosed upon, is the repository of any bodies, the lien holder shall, at his own expense, inter such bodies in the burial ground where such mausoleum is located, if it is possible for the lien holder to secure a lot for such purpose, and if not, then it shall be buried in the nearest available burial ground.

"Sec. 4. The passage of this Act shall not be construed as in any way repealing or invalidating Article 528, of the Penal Code of Texas, as adopted by the Legislature of the State of Texas in 1925, but the exercise of the remedy provided in this bill shall not constitute a violation of such Statute. All laws and parts of laws, in conflict with the terms of this bill, are hereby expressly repealed. And in the event any section of this law is declared unconstitutional, such fact shall not invalidate the remaining sections.

"Sec. 5. The fact that, at this time, there is no way to secure a lien upon any mausoleum and/or monument, operates to the benefit of persons who thrive on, and follow the practice of purchasing but not paying, and such conditions increase the price the honest purchaser of such goods must pay, creates an emergency and an imperative public necessity, demanding that the constitutional provision, requiring a bill to be read on three several days, be suspended, and such rule is hereby suspended; and this Act shall take effect from and after the date of its passage, and it is so enacted."

Mr. Walker offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 21, by adding the following at the end of Section 2, to wit:

"Whenever a monument, or mausoleum, shall be repossessed and removed, under the provisions of this

law, the body for which such monument or mausoleum was a marker, shall in all cases where such monument or mausoleum had been partly paid for, be properly marked by a permanent marker in line with the prevailing prices of such marker, at the time such monument or mausoleum was removed, and the person or concern, removing such monument or mausoleum, shall, within three days, mark such grave in which the body lies, with such permanent marker, which shall cost not less than eighty-five (85) per cent of the money that has up to that time been paid on said monument or mausoleum."

The amendment was adopted.

The committee amendment as amended was then adopted.

Mr. Daniel offered the following committee amendment to the bill:

Amend House Bill No. 21 by striking out all above the enacting clause, and insert in lieu thereof the following:

"H. B. No. 21,

A BILL

To Be Entitled

An Act authorizing the establishment of liens upon mausoleums and/or monuments wherever erected; providing procedure, and declaring an emergency."

The committee amendment was adopted.

On motion of Mr. Burns, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 21 was then passed to engrossment by the following vote:

Yeas—60

Mr. Speaker.	Crossley.
Alexander.	Daniel.
Anderson.	Davidson.
of Johnson.	Devall.
Barron.	Dwyer.
Beck.	Fain.
Burns.	Ford.
Butler.	Glass.
Calvert.	Good.
Camp.	Griffith.
Cowley.	Hankamer.

Harris.	Pavlica.
Hartzog.	Pope.
Head.	Ratliff.
Hoskins.	Reed of Dallas.
Hughes.	Rollins.
James.	Scarborough.
Jefferson.	Shannon.
Johnson	Shults.
of Anderson.	Stanfield.
Jones of Shelby.	Steward.
Laird.	Sullivan.
Lemens.	Tarwater.
Leonard.	Thomas.
Magee.	Tillery.
Mitcham.	Townsend.
Moore.	Wagstaff.
Morse.	Weinert.
Munson.	Winningham.
Nicholson.	Wood.
Parkhouse.	Young.

Nays—40

Adamson.	Hyder.
Aikin.	Jones of Runnels.
Alsup.	Latham.
Baker.	Lindsey.
Barrett.	Lotief.
Bedford.	Mackay.
Bourne.	McClain.
Canon.	Morrison.
Cathey.	Reed of Bowie.
Coombes.	Renfro.
Dean.	Rogers
Dunagan.	of Ochiltree.
Few.	Ross.
Fisher.	Russell.
Fuchs.	Scott.
Goodman.	Stovall.
Greathouse.	Tennyson.
Haag.	Turlington.
Hodges.	Van Zandt.
Huddleston.	Walker.
Hunt.	

Present—Not Voting

Engelhard.	McKee.
Jones of Atascosa.	

Absent

Anderson	Holland.
of Bexar.	Holloway.
Bradley.	Jackson.
Chastain.	Kayton.
Clayton.	Kyle of Hays.
Colson.	Kyle of Palo Pinto.
Dunlap.	Long.
Duvall.	McGregor.
Golson.	Metcalfe.
Graves.	Moffett.
Harman.	Patterson.
Harrison.	Ramsey.
Hester.	Ray.
Hicks.	Reader.
Hill of Brazoria.	Riddle.
Hill of Webb.	Rogers of Hunt.
Holekamp.	Smith.

Stinson.	West.
Wells.	
Absent—Excused	
Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Purveyer.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, February 17, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has adopted

H. C. R. No. 22, Relative to re-
financing mortgage loans. (With
amendments.)

The Senate has concurred in House
amendments to Senate Bill No. 166,
by the following vote: Yeas, 22;
nays, 1.

The Senate has passed

H. B. No. 121, A bill to be entitled
"An Act to amend Chapter 6, of the
Special Laws of the Acts of the
Regular Session of the Forty-second
Legislature, providing for an open
season or period of time when it
shall be lawful to take or kill squir-
rels in certain counties; providing
penalties for the violation thereof; re-
pealing all laws and parts of laws in
conflict therewith, and declaring an
emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 23 ON SECOND
READING

The Speaker laid before the House,
on its second reading and passage to
engrossment,

H. B. No. 23, A bill to be entitled
"An Act to amend Article 4668, of
Title 76, Revised Civil Statutes, 1925,
defining and relating to pool halls and
exempting from the definition thereof,
a room, hall, or place used for a res-
taurant or other lawful legitimate
business (other than a domino par-
lor), in which miniature or billiard
tables of specific kind and dimensions
not to exceed two in number are dis-
played and used under certain cir-

cumstances and restrictions, and declaring an emergency."

The bill was read second time.

Mr. Camp offered the following amendment to the bill:

Amend House Bill No. 23 by adding on page 2, line 14, after the word "operated," the following: "the operator of each miniature pool or billiard table shall, prior to operating the same, pay to the State of Texas an occupation tax in the sum of fifty dollars (\$50) per year, for each machine so operated."

CAMP,
PARKHOUSE.

(Speaker in the Chair.)

Mr. Morse offered the following amendment to the amendment:

Amend the amendment by striking out "\$50" and inserting "\$10" in lieu thereof.

Mr. Parkhouse moved to table the amendment by Mr. Morse.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65

Adamson.	Hunt.
Aikin.	Johnson
Alsup.	of Anderson.
Barrett.	Kyle of Hays.
Barron.	Laird.
Beck.	Lemens.
Burns.	Lindsey.
Calvert.	Lotief.
Camp.	Magee.
Canon.	McKee.
Cathey.	Mitcham.
Chastain.	Morrison.
Clayton.	Parkhouse.
Colson.	Ratliff.
Coombes.	Reed of Bowie.
Dean.	Renfro.
Devall.	Riddle.
Dunagan.	Rogers of Hunt.
Few.	Rollins.
Fisher.	Ross.
Glass.	Russell.
Golson.	Scarborough.
Goodman.	Scott.
Graves.	Shults.
Griffith.	Smith.
Hankamer.	Steward.
Hartzog.	Stinson.
Head.	Tennyson.
Hodges.	Thomas.
Hoskins.	Townsend.
Huddleston.	Wagstaff.

Walker.
Weinert.

Winningham.
Wood.

Nays—40

Anderson	James.
of Bexar.	Jefferson.
Baker.	Kayton.
Bourne.	Kyle of Palo Pinto.
Cowley.	Mackay.
Crossley.	Metcalfe.
Daniel.	Moore.
Davidson.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fain.	Pavlica.
Ford.	Pope.
Good.	Ray.
Haag.	Reader.
Harris.	Reed of Dallas.
Harrison.	Rogers
Hicks.	of Ochiltree.
Hill of Webb.	Shannon.
Holekamp.	Stanfield.
Hughes.	Van Zandt.
Hyder.	Young.

Present—Not Voting

Anderson
of Johnson.

Absent

Alexander.	Jones of Shelby.
Bedford.	Latham.
Bradley.	Leonard.
Butler.	Long.
Dunlap.	McClain.
Duvall.	McGregor.
Fuchs.	Moffett.
Greathouse.	Patterson.
Harman.	Ramsey.
Hester.	Stovall.
Hill of Brazoria.	Sullivant.
Holland.	Tarwater.
Holloway.	Tillery.
Jackson.	Turlington.
Jones of Atascosa.	Wells.
Jones of Runnels.	West.

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Puryear.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

Mr. Kyle of Hays offered the following amendment to the amendment:

Amend Camp amendment, by striking out "\$50," and insert "\$250."

The amendment was lost.

Question then recurring on the amendment by Mr. Camp, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—72

Adamson.	Kyle of Hays.
Aikin.	Lemens.
Alsup.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Barrett.	McClain.
Barron.	McKee.
Beck.	Metcalf.
Burns.	Mitcham.
Calvert.	Morrison.
Camp.	Parkhouse.
Canon.	Ratliff.
Cathey.	Ray.
Chastain.	Reed of Bowie.
Colson.	Riddle.
Coombes.	Rogers of Hunt.
Cowley.	Rollins.
Dean.	Ross.
Devall.	Russell.
Dunagan.	Scarborough.
Engelhard.	Scott.
Fain.	Shannon.
Few.	Shults.
Fisher.	Smith.
Glass.	Stanfield.
Golson.	Steward.
Good.	Stinson.
Graves.	Sullivant.
Griffith.	Tarwater.
Haag.	Tennyson.
Hartzog.	Thomas.
Head.	Townsend.
Hodges.	Wagstaff.
Hunt.	Weinert.
Johnson	Winningham.
of Anderson.	Wood.
Jones of Atascosa.	Young.

Nays—34

Anderson	James.
of Bexar.	Jefferson.
Baker.	Kayton.
Bourne.	Kyle of Palo Pinto.
Clayton.	Laird.
Daniel.	Mackay.
Davidson.	Moore.
Dwyer.	Morse.
Ford.	Munson.
Fuchs.	Nicholson.
Hankamer.	Pavlica.
Harrison.	Pope.
Hicks.	Reader.
Hill of Webb.	Reed of Dallas.
Holekamp.	Rogers
Holland.	of Ochiltree.
Hoskins.	Van Zandt.
Hughes.	Walker.

Present—Not Voting

Crossley.	Huddleston.
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Absent

Alexander.	Jones of Runnels.
Bedford.	Jones of Shelby.
Bradley.	Latham.
Butler.	Leonard.
Dunlap.	Long.
Duvall.	McGregor.
Goodman.	Moffett.
Greathouse.	Patterson.
Harman.	Ramsey.
Harris.	Renfro.
Hester.	Stovall.
Hill of Brazoria.	Tillery.
Holloway.	Turlington.
Hyder.	Wells.
Jackson.	West.

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Puryear.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

Mr. Barrett offered the following amendment to the bill:

Amend House Bill No. 23 by striking out the enacting clause.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—70

Adamson.	Graves.
Aikin.	Griffith.
Alsup.	Haag.
Anderson	Head.
of Johnson.	Hicks.
Barrett.	Hodges.
Barron.	Hoskins.
Beck.	Huddleston.
Bourne.	Hunt.
Burns.	Johnson
Calvert.	of Anderson.
Camp.	Jones of Shelby.
Canon.	Kyle of Hays.
Cathey.	Kyle of Palo Pinto.
Chastain.	Laird.
Coombes.	Lemens.
Cowley.	Leonard.
Crossley.	Lindsey.
Dean.	Magee.
Devall.	McClain.
Dunagan.	Mitcham.
Fain.	Moffett.
Few.	Morrison.
Fisher.	Parkhouse.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Reed of Bowie.
Goodman.	Riddle.

Rogers of Hunt.	Sullivant.
Rollins.	Tennyson.
Scarborough.	Thomas.
Scott.	Townsend.
Smith.	Turlington.
Stanfield.	Wagstaff.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	

Nays—40

Baker.	Lotief.
Clayton.	Mackay.
Daniel.	McKee.
Davidson.	Metcalfe.
Dwyer.	Moore.
Engelhard.	Morse.
Ford.	Munson.
Good.	Nicholson.
Hankamer.	Pavlica.
Harrison.	Pope.
Hartzog.	Reed of Dallas.
Hester.	Renfro.
Hill of Webb.	Rogers
Holekamp.	of Ochiltree.
Holland.	Ross.
Hughes.	Shannon.
Hyder.	Van Zandt.
Jackson.	Walker.
James.	Weinert.
Jefferson.	Young.
Kayton.	

Present—Not Voting

Colson.

Absent

Alexander.	Jones of Runnels.
Anderson	Latham.
of Bexar.	Long.
Bedford.	McGregor.
Bradley.	Patterson.
Butler.	Ramsey.
Dunlap.	Reader.
Duvall.	Russell.
Greathouse.	Shults.
Harman.	Tarwater.
Harris.	Tillery.
Hill of Brazoria.	Wells.
Holloway.	West.
Jones of Atascosa.	

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Puryear.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

Mr. Kyle of Hays moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 121

Mr. Alsup offered the following resolution:

H. C. R. No. 30, Authorizing the correction of House Bill No. 121.

Be it resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to insert the words "Chapter 36" in lieu of "Chapter 6," wherever they occur in House Bill No. 121.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 6 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 6, A bill to be entitled "An Act to regulate the granting of pipe line right of way easements, and the terms thereof, and the rates to be charged therefor, across public lands of Texas; providing for the disposition of proceeds received from such easements, etc., and declaring an emergency."

The bill was read second time.

Mrs. Hughes offered the following committee amendments to the bill:

(1)

Amend House Bill No. 6 by striking out all below the enacting clause, and inserting the following:

"Section 1. The Commissioner of the General Land Office shall execute grants of all easements for right of ways for oil pipe lines, gas pipe lines, sulphur pipe lines, and other pipe lines of whatsoever nature, granted by this State, across all unsold public free school land, and across all islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State, within tidewater limits, and across that portion of the Gulf of Mexico within the jurisdiction of Texas. The Board of Regents of the University of Texas shall continue to execute, under authority heretofore granted, all right of way easements for oil pipe lines, gas pipe lines, sulphur pipe lines, and other pipe lines, of whatever nature, across lands belonging to the State, and dedicated to the support and

maintenance of the University of Texas. The Board of Regents of the University shall continue to execute, under authority heretofore granted, easements or leases, for the erection and maintenance of pumping stations, loading racks, and tank farms on University lands, and the Commissioner of the General Land Office shall execute easements or leases for pumping stations, loading racks, and tank farms, to be located on State lands, other than those owned by the University.

"Sec. 2. All easements granted under Section One (1) of this Act, shall be on forms approved by the Attorney General.

"Sec. 3. No right of way easement, or tank farm, loading rack, or pumping station easement or lease, of the character enumerated in Section One (1) hereof, shall be granted for a longer term than ten years, but any such easement may be renewed by the official or officials charged with the execution thereof, in his or their discretion.

"Sec. 4. From and after the passage of this Act every person or corporation occupying or using any unsold public free school land, any islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State within tidewater limits, any portion of the Gulf of Mexico within the jurisdiction of Texas, and any unsold public land dedicated to the University of Texas, or any part thereof, as an oil and/or gas pipe line right of way, shall, as a condition to such further use or occupancy, pay annually in advance for such privileges, to the Commissioner of the General Land Office at the General Land Office in Austin, Texas, a sum equal to two and one-half cents (2½c) per lineal rod per annum for each and every rod of oil pipe line and/or gas pipe line used, possessed, or maintained by any such person or corporation on any unsold public free school land, on any islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State within tidewater limits, on any portion of the Gulf of Mexico within the jurisdiction of Texas, and on any public land dedicated to the University of Texas. This annual privilege fee shall be paid by all such persons and corporations on all oil pipe lines and/or gas

pipe lines now existing and situated on public lands of the classes above-mentioned which have not heretofore paid such fee. All amounts due shall be paid annually unless the easement granted provides otherwise.

"Sec. 5. Hereafter all pipe line right of way easements shall be executed on terms to be fixed by the Land Commissioner, and by the Board of Regents of the University of Texas, respectively, but no oil and/or gas pipe line right of way easement shall be granted which does not provide for an annual privilege fee of not less than two and one-half cents (2½c) per lineal rod per annum of oil and/or gas pipe line for which a right of way is sought. A higher fee may be fixed by contract between the officials named and any grantee of such easement.

"Sec. 6. The rental to be charged for an easement or lease for pumping stations, loading racks, and tank farms shall be such as may be agreed upon between the lessee and the Board of Regents with respect to University lands, and the Commissioner of the General Land Office with respect to other State lands.

"Sec. 7. All income received by the Land Commissioner under this Act from public school land shall be credited to the Available School Fund; all income received by the Land Commissioner under this Act from University lands shall be credited to the Available University Fund, and all income received by the Land Commissioner under this Act from the other lands herein set out shall be credited to the General Revenue Fund.

"Sec. 8. All past due payments under this Act shall bear interest at the rate of ten per centum (10%) per annum. In event the date of payment is not fixed by contract, or in event no written contract has been executed, all unpaid annual fees due shall bear interest at the rate of ten per centum (10%), calculated from the first day of January following the year for which such annual privilege fee was due.

"Sec. 9. No person or corporation shall hereafter construct any pipe line, tank farm, loading rack and/or pumping station of the kind and character enumerated in Section One (1)

hereof, across or on any lands of the character enumerated in Section One (1) hereof, and owned by the State of Texas, without obtaining from the Commissioner of the General Land Office, or the Board of Regents of the University of Texas, respectively, a grant of a right of way easement or other easement across or on such lands where such pipe line, tank farm, loading rack, or pumping station is to be constructed. Any person or corporation violating this Section of this Act shall be liable for a penalty of one hundred dollars (\$100) per day for each day of such violation, said penalty to be recovered by the Attorney General.

"Sec. 10. The venue of all suits by the State arising out of this Act, or for violation of any provision of this Act, is hereby fixed in Travis County.

"Sec. 11. If any section, clause, or provision of this Act shall be held unconstitutional, or otherwise invalid, or unenforceable, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this Act, and the parts of this Act not so held to be unconstitutional or invalid shall remain in full force and effect.

"Sec. 12. The fact that the Commissioner of the General Land Office has no authority to execute right of way easements of the character enumerated herein, and the further fact that many pipe line corporations are using and occupying public lands of this State without payment to the State therefor, in contravention of the spirit of the Constitution of this State, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Pope offered the following amendment to the committee amendment:

Change the word "shall" to "may" in lines 24, 31, and 37, on page 1, and in lines 8 and 35, on page 2, and in line 40, on page 1.

The amendment was adopted.

The committee amendment as amended was then adopted.

Mrs. Hughes offered the following committee amendment to the bill:

Amend House Bill No. 6 by striking out all above the enacting clause, and inserting the following:

"H. B. No. 6,

A BILL

To Be Entitled

An Act to regulate the granting of pipe line right of way easements and easements or lease of sites for pumping stations, loading racks, and tank farms, and the terms thereof and the rates to be charged therefor, on and across public lands of Texas; providing for the disposition of proceeds received from such easements; providing for interest on past due amounts; providing for payment for pipe line right of ways heretofore taken and now used or occupied by any person or corporation; providing for penalties for hereafter constructing any pipe line, pumping station, tank farm, and/or loading rack on or across State school, University, tidewater, or gulf lands without first obtaining a grant from the State; fixing the venue of all suits under this Act in Travis County; providing that if any section, clause, or provision of this Act be held unconstitutional, invalid, or unenforceable it shall not affect the remaining portions, and declaring an emergency."

The amendment was adopted.

House Bill No. 6 was then passed to engrossment.

HOUSE BILL NO. 6 ON THIRD READING

Mrs. Hughes moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson.	Baker.
Aikin.	Barron.
Alsup.	Bourne.
Anderson	Burns.
of Bexar.	Calvert.
Anderson	Camp.
of Johnson.	Canon.

Cathey.	Lemens.
Chastain.	Lindsey.
Clayton.	Long.
Coombes.	Lotief.
Cowley.	Magee.
Crossley.	Mackay.
Daniel.	McKee.
Dean.	Metcalfe.
Dwyer.	Mitcham.
Engelhard.	Moffett.
Fain.	Moore.
Few.	Morrison.
Fisher.	Morse.
Ford.	Nicholson.
Fuchs.	Patterson.
Glass.	Pavlica.
Golson.	Pope.
Good.	Ratliff.
Goodman.	Ray.
Graves.	Reader.
Greathouse.	Reed of Bowie.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Harris.	Rogers of Hunt.
Hartzog.	Rogers
Head.	of Ochiltree.
Hester.	Ross.
Hicks.	Russell.
Hill of Webb.	Scarborough.
Hodges.	Scott.
Holekamp.	Shannon.
Holland.	Smith.
Hoskins.	Stanfield.
Huddleston.	Steward.
Hughes.	Sullivant.
Hunt.	Tarwater.
Hyder.	Tennyson.
James.	Thomas.
Jefferson.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kayton.	Weinert.
Kyle of Hays.	Winningham.
Kyle of Palo Pinto.	Wood.
Laird.	Young.

Absent

Alexander.	Jackson.
Barrett.	Jones of Atascosa.
Beck.	Latham.
Bedford.	Leonard.
Bradley.	McClain.
Butler.	McGregor.
Colson.	Munson.
Davidson.	Parkhouse.
Devall.	Ramsey.
Dunlap.	Rollins.
Dunagan.	Shults.
Duvall.	Stinson.
Harman.	Stovall.
Harrison.	Van Zandt.
Hill of Brazoria.	Wells.
Holloway.	West.

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Puryear.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

The Speaker then laid House Bill No. 6 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 34 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act amending Article 2691, Revised Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 34 by inserting after the word "meeting," and immediately before the word "the," in line 15, the following: "not exceeding three such meetings in any one school year."

Mr. Pope offered a substitute amendment, which was adopted.

The amendment as substituted was then adopted.

Mr. Pope offered the following amendment to the bill:

Add to House Bill No. 34 the following:

"Section 1-a. All general laws in conflict herewith are hereby repealed."

The amendment was adopted.

Mr. Fain offered the following amendment to the bill:

Amend House Bill No. 34 by striking out the word "shall," in lines 13, 21, 19, and 26, and insert therein the word "may."

The amendment was adopted.

Mr. Ray offered the following amendment to the bill:

Amend House Bill No. 34, by adding the following, at the end of Section 1: "The county board of trustees may determine whether the teachers have an institute or employ supervisors and, in case of supervisors being employed, all laws requiring teachers' institutes are void."

On motion of Mr. Lindsey, the amendment was tabled.

Mr. Fain offered the following amendment to the bill:

Amend House Bill No. 34 by striking out lines 25 and 26, and the words "from office" in line 27.

Mr. Turlington moved to table the bill.

The motion to table was lost.

Question then recurring on the amendment by Mr. Fain, it was adopted.

Mr. McClain offered the following amendment to the bill:

Amend House Bill No. 34, Section 1, in line 24, by striking out the words "teacher shall not receive any pay for such attendance," and add "teacher shall not receive extra pay for such attendance, other than their monthly salary."

Mr. Moffett moved the previous question on the pending amendment and certain amendments on the Speaker's stand and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. McClain, it was lost.

Mr. Lindsey offered the following amendment to the bill:

Amend House Bill No. 34 by striking out the following words in said bill: "The county superintendent is hereby authorized to cancel the certificate of any teacher who wilfully absents himself from attendance upon the meetings provided for herein," such words being found in lines 27, 28, 29, and 30.

The amendment was adopted.

Mr. Mitcham offered the following amendment to the bill:

Amend House Bill No. 34 by adding a new sentence at the end of Section 1, as follows: "Provided further, that the superintendent must call any such meetings to be held at a time when the schools of the county are all in session."

The amendment was adopted.

House Bill No. 34 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 34

Mr. Thomas moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 34 be

placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—86

Adamson.	James.
Aikin.	Johnson
Alexander.	of Anderson.
Alsup.	Jones of Runnels.
Anderson	Kyle of Palo Pinto.
of Johnson.	Latham.
Baker.	Lemens.
Barrett.	Leonard.
Beck.	Lindsey.
Bedford.	Lotief.
Bourne.	Mackay.
Burns.	McClain.
Calvert.	McKee.
Camp.	Metcalfe.
Canon.	Mitcham.
Cathey.	Moffett.
Chastain.	Morrison.
Colson.	Nicholson.
Cowley.	Parkhouse.
Daniel.	Pavlica.
Devall.	Pope.
Dunagan.	Reed of Bowie.
Fain.	Reed of Dallas.
Fisher.	Rogers of Hunt.
Fuchs.	Rogers
Glass.	of Ochiltree.
Good.	Rollins.
Goodman.	Ross.
Graves.	Russell.
Greathouse.	Scarborough.
Haag.	Scott.
Harman.	Shannon.
Harris.	Smith.
Hartzog.	Stanfield.
Hester.	Steward.
Hicks.	Stovall.
Hodges.	Sullivant.
Holekamp.	Tennyson.
Holland.	Thomas.
Huddleston.	Van Zandt.
Hughes.	Wagstaff.
Hunt.	Walker.
Hyder.	Winningham.
Jackson.	Wood.

Nays—30

Anderson	Jefferson.
of Bexar.	Jones of Atascosa.
Butler.	Kayton.
Clayton.	Kyle of Hays.
Crossley.	Laird.
Davidson.	Magee.
Dean.	Moore.
Engelhard.	Morse.
Few.	Patterson.
Ford.	Ratliff.
Hankamer.	Ray.
Head.	Reader.
Hill of Webb.	Renfro.

Riddle.
Townsend.
Turlington.

Wells.
Young.

Absent

Barron.	Jones of Shelby.
Bradley.	Long.
Dunlap.	McGregor.
Duvall.	Munson.
Dwyer.	Ramsey.
Golson.	Shults.
Griffith.	Stinson.
Harrison.	Tarwater.
Hill of Brazoria.	Tillery.
Holloway.	Weinert.
Hoskins.	West.

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Puryear.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendment to Senate Concurrent Resolution No. 10 by a viva voce vote.

The Senate has adopted

H. C. R. No. 28, Authorizing Enrolling Clerk of the House to make certain corrections to House Bill No. 98.

H. C. R. No. 29, Authorizing the Enrolling Clerk of the House to correct the caption to House Bill No. 222.

S. C. R. No. 17, Designating "The Texans" as the official Texas band to accompany the All-Texas special train to Washington to attend the Democratic Inaugural Ceremonies.

H. C. R. No. 30, Authorizing the Enrolling Clerk of the House to make certain corrections to House Bill No. 121.

Respectfully,
BOB BARKER,
Secretary of the Senate.

PROVIDING FOR ADJOURNMENT SINE DIE

Mr. Metcalfe offered the following resolution:

H. C. R. No. 31, Providing for adjournment sine die:

Whereas, The condition of the country is such that the State Government should be put to a minimum of expense in the operation of all its governmental agencies, including the Legislature; and

Whereas, It would be of great benefit to the people of Texas for the Legislature to pass the appropriations necessary for the support and maintenance of our Government, and then to adjourn; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Regular Session of the Forty-third Legislature stand adjourned sine die at twelve (12) o'clock noon, on Friday, April 7, 1933.

The resolution was read second time.

Mr. Scott offered the following amendment to the resolution:

Amend resolution where "April 7, 1933" occurs, and place in lieu thereof, "March 15, 1933."

Mr. Anderson of Bexar moved that the resolution be laid on the table, subject to call.

On motion of Mr. Morrison, the resolution was tabled.

NOTICE GIVEN

Mr. Barron gave notice that he would, on next Tuesday, move to take up, for consideration at that time, House Bill No. 145, which bill had heretofore been laid on the table subject to call.

PROVIDING FOR THE APPOINTMENT OF CERTAIN COMMITTEE

(By Unanimous Consent)

Mr. Dwyer offered the following resolution:

H. C. R. No. 32, Providing for the appointment of certain committee.

Whereas, The Legislature of the State of Texas has passed a concurrent resolution requesting five to fifty million dollars from the Reconstruction Finance Corporation for home loans; and

Whereas, The sponsors of said resolution are confident that said money may be obtained; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Speaker appoint two (2) Members of a committee, and the President of the Senate appoint one (1) Member of a committee, to appear before the Board at Washington, to present this request; and be it further

Resolved, That the expenses of this committee be allowed out of the Contingent Expense Account.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Contingent Expenses.

RELATIVE TO HOUSE BILL NO. 362

On motion of Mr. Aikin, by unanimous consent of the House, certain corrections were ordered made in the caption of House Bill No. 362.

SPECIAL ORDER SET

On motion of Mr. Greathouse, House Bill No. 231 was set as a special order for 11 o'clock a. m., next Tuesday.

ADJOURNMENT

Mr. Anderson of Bexar moved that the House recess to 2 o'clock p. m., today.

Mr. Moffett moved that the House adjourn until 10 o'clock a. m., next Monday.

Question first recurring on the motion by Mr. Moffett, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—73

Alexander.	Ford.
Anderson	Golson.
of Johnson.	Greathouse.
Barrett.	Griffith.
Bedford.	Haag.
Burns.	Hankamer.
Camp.	Harman.
Canon.	Harris.
Cathey.	Harrison.
Clayton.	Head.
Coombes.	Hester.
Crossley.	Hicks.
Daniel.	Hill of Webb.
Davidson.	Hodges.
Dunagan.	Holekamp.
Dwyer.	Holland.
Fain.	Hughes.
Few.	Hyder.

Jefferson.	Reed of Dallas.
Johnson	Renfro.
of Anderson.	Rogers of Ochiltree.
Jones of Runnels.	Russell.
Kyle of Palo Pinto.	Scarborough.
Latham.	Scott.
Lemens.	Shannon.
Leonard.	Stanfield.
Lindsey.	Stovall.
Long.	Thomas.
Mackay.	Tillery.
McClain.	Townsend.
Metcalfe.	Turlington.
Moffett.	Van Zandt.
Moore.	Wagstaff.
Morrison.	Weinert.
Morse.	Wells.
Patterson.	Wood.
Pavlica.	Young.
Pope.	

Nays—37

Aikin.	Hunt.
Alsup.	Jackson.
Anderson	James.
of Bexar.	Kyle of Hays.
Baker.	Laird.
Bourne.	Lotief.
Butler.	Ratliff.
Calvert.	Ray.
Chastain.	Reed of Bowie.
Cowley.	Riddle.
Dean.	Rogers of Hunt.
Devall.	Rollins.
Fisher.	Ross.
Glass.	Smith.
Good.	Steward.
Goodman.	Sullivant.
Hartzog.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Walker.

Absent

Adamson.	Kayton.
Barron.	Magee.
Beck.	McGregor.
Bradley.	McKee.
Colson.	Mitcham.
Dunlap.	Munson.
Duvall.	Nicholson.
Engelhard.	Parkhouse.
Fuchs.	Ramsey.
Graves.	Reader.
Hill of Brazoria.	Shults.
Holloway.	Stinson.
Jones of Atascosa.	West.
Jones of Shelby.	Winningham.

Absent—Excused

Caven.	Merritt.
Johnson	Palmer.
of Dimmit.	Purveyar.
Mathis.	Roberts.
McCullough.	Savage.
McDougald.	Vaughan.

The House, accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Public Lands and Buildings: House Bills Nos. 488 and 274.

Counties: House Bill No. 505.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, February 16, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 415, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State, for the purpose of conducting a poison bait spray campaign in the Lower Rio Grande Valley, to control and eradicate and prevent the spread to other parts of the State of the Mexican fruit fly, and to meet the emergency appropriation for this campaign made by the United States Government, contingent upon the State of Texas doing its share in the bait spray campaign, and to insure the continuance of the interstate trade relations now enjoyed by Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 27, "An Act to prohibit the hunting, trapping, ensnaring, killing, or possessing of any wild quail of any specie within the limits of Commissioners Precinct No. 2, of the County of Karnes, State of Texas, for a period of five (5) years from and

after the passage of this Act; providing a penalty therefor; and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 66, "An Act providing for a closed season in Glasscock County upon quail, doves, and pheasants for a period of three (3) years; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 69, "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of five (5) years in the Counties of Freestone and Leon, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said Counties for a period of five (5) years; providing a penalty therefor, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 80, "An Act to amend Section 28, as heretofore amended by Chapter 5, page 14, of the Special Laws of the Regular Session of the Forty-second Legislature, of Chapter 36, page 359, of the Acts of the Thirty-first Legislature, approved March 15, 1909, entitled 'An Act to validate the Wichita Falls Independent School District, in Wichita County, Texas' (and for other purposes), and

as heretofore variously amended, by providing that all taxes of said District, for the calendar year 1933 and subsequent years, shall become due on the first day of October of each year, respectively, and that, unless one-half of such taxes are paid on or before the thirty-first day of the month in which such taxes become due, the entire taxes for that year shall become delinquent, and a penalty of ten per centum (10%) on all of said taxes shall accrue thereon; if, however, one half of such taxes shall be paid on or before the thirty-first day of October aforesaid, then the remaining one-half of said taxes may be paid on or before the thirtieth day of April next following, without becoming delinquent, but if such remaining one-half of said taxes shall not be paid on or before the date last mentioned, said taxes shall immediately become delinquent, and a like penalty of ten per centum (10%) on all of said taxes shall accrue thereon; further providing, that all delinquent taxes shall draw interest at the rate of six per cent (6%) per annum, from the date such taxes become delinquent, repealing all laws in conflict therewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 106, "An Act to amend Senate Bill No. 8, Acts of the First Called Session, Forty-second Legislature, by providing that trot lines may be used in Val Verde County, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 115, "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not

less than seven thousand one hundred (7,100) and not more than seven thousand two hundred (7,200) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 140, "An Act repealing Chapter 50, of the Special Laws of Texas, of the Regular Session of the Forty-second Legislature of the State of Texas, known as House Bill No. 712, providing for a special road law in Lavaca County, Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 177, "An Act regulating the use of seines and nets in Nacogdoches County; providing that three (3) inch mesh seines and nets may be used during certain months; providing a penalty for violations of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 185, "An Act providing for the open season on squirrels in San Augustine and Sabine Counties; providing a penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 186, "An Act to prohibit
the hunting, trapping, ensnaring, or
killing, of any wild deer, buck, doe, or
fawn, within the limits of the Coun-
ties of San Augustine and Sabine,
State of Texas, for a period of five
(5) years from and after the passage
of this Act; providing a penalty
therefor, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 235, "An Act to repeal
Chapter 108, Special Laws, Acts of
the Forty-second Legislature, Regu-
lar Session, page 218; and declaring
an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 293, "An Act providing
that it shall be unlawful to use a
seine or net in the waters of the
counties of Morris or Titus, except a
minnow seine and except a seine or
net of not less than two (2) inch
mesh which may be used at any time
except during the months of March
and April; and providing that black
bass and crappie of certain sizes shall
not be retained; providing a penalty,
repealing all laws in conflict here-
with; and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 219, "An Act repealing
Chapter 73, of the General and Spe-
cial Laws of Texas, as passed by
the Regular Session of the Forty-
first Legislature, 1929, the same be-
ing House Bill No. 523, which pro-
vides for a road tax against male
persons of certain ages, in Childress
County, and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 28, Authorizing cer-
tain corrections in House Bill No. 98,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 29, Authorizing cer-
tain corrections in House Bill No.
222,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, February 17, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 30, Authorizing cer-
tain corrections in House Bill No.
121,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of

Hon. Walter C. Acker, Sr.

Mr. Morse offered the following resolution:

Whereas, On February 16, 1933, the Hon. Walter Acker, Sr., a former distinguished Member of the House of Representatives of Texas, passed to his eternal rest; and

Whereas, He was a true aristocrat and a gentleman of the Old South, being born on a plantation in Monroe County, Mississippi, on September 2, 1844, and having entered the Army of Virginia at the time Mississippi seceded from the Union in 1861, and became a Second Lieutenant in the Mississippi Cavalry in 1863, going through the Valley Campaign with Stonewall Jackson, and being further distinguished for his service as a member of the escort assigned to President Jefferson Davis, after the fateful Battle of Appomattox Court House; and,

Whereas, He was for more than fifty years a citizen of Texas, having come to this State in 1874, and from that time to his death taking an active interest in the welfare of his adopted State and its citizens; and,

Whereas, He was active in civic and governmental affairs, being elected sheriff of Jasper County, Mississippi, immediately after the Civil War, and later served as a Member of the Eighteenth, Thirty-ninth, Fortieth, and Forty-first Texas Legislatures, and as Mayor of Lampasas for three years; and

Whereas, He was a lawyer of distinction and ability, having served as district attorney of the Seventeenth Judicial District, comprised of fifty counties, of Texas, and as a Member of the Commission of Appeals, and as Chairman of the Judiciary Committee of the House of Representatives; and,

Whereas, He was a man of outstanding character and ability, kindly in his nature, and beloved of his associates; therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the passing of the Hon. Walter Acker, Sr., the South and the State of Texas and its citizens, have lost a gallant hero, a courteous gentleman, and a truly great citizen; be it further

Resolved, That a copy of this resolution be printed on a page set apart for that purpose in the Journal of the House, and that one be sent to each member of his family, and that when the House adjourns today, it be in respect to the Hon. Walter Acker, Sr.

MORSE,
BRADLEY,
MOORE,
MATHIS,
HOLLAND,
METCALFE,
DUNLAP,
DEAN,
HUGHES,

VAN ZANDT,
PATTERSON,
LONG,
ANDERSON of Bexar,
KAYTON,
FUCHS,
JONES of Atascosa,
READER,
JOHNSON of Anderson,

MERRITT,
CHASTAIN,
SAVAGE,
McDOUGALD,
HARMAN,
POPE,
JOHNSON of Dimmit,
RAY,
TARWATER.

The resolution was read second time.

On motion of Mr. Lemens, the names of all the Members of the House were added to the resolution, as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Devall, Dunagan, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holloway, Hoskins, Huddleston, Hunt, Hyder, Jackson, James, Jefferson, Jones of Runnels, Jones of Shelby, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Lemens, Leonard, Lindsey, Lotief, Magee, Mackay, McClain, McCullough, McGregor, McKee, Mitcham, Moffett, Morrison, Munson, Nicholson, Palmer, Parkhouse, Pavlica, Puryear, Ramsey, Ratliff, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Ross, Russell, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tennyson, Thomas, Tillery, Townsend, Turlington, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was then adopted by a rising vote.